

WASTEWATER PROGRAM

Petitions for Drainfield Remediation Product Rules

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Introduction

The State Board of Health received two petitions to make rules allowing an aerobic bacterial generator (Pirana ABG) to be sold in Washington for the purpose of recovering failed drainfields and nitrogen reduction. This briefing provides an overview of:

- Current product regulation
- Other states' regulation of remediation products
- What Washington has done regarding remedial products
- DOH's recommendations
- Issues for consideration

Current product regulation

Washington's regulations provide processes for registering:

- Treatment technologies
 - New
 - Repairs
 - **The rules don't speak to technologies for remediation – short of a repair being done**
- Distribution technologies – gravelless and subsurface drip products
- Additives

What are other states doing?

- States like New Hampshire, Wisconsin and Virginia issued letters approving the Pirana ABG product.
- New York issued a non-objection letter stating that approval is not needed because New York rules apply to new construction not remediation.
- Florida and Washington approved the Pirana Blend (one part of the system) as an additive.

What Washington has done short of regulations

- In the absence of rules, local health officers have the authority to permit products for remedial applications.
- DOH issued a guidance statement, as it did for another remedial technology, to assist local health jurisdictions.

Rule petitions/DOH recommendations

Petitions:

- Approve the existing International Association of Plumbing and Mechanical Officials (IAMPO) standards and make corresponding rule changes to allow the use of aerobic bacterial generators.

- Create an easy and quick mechanism for reviewing and approving already existing ANSI approved standards beyond the solitary NSF Standard 40 strategy.
- Craft a mechanism for justifying product approval based upon testing in and around the drainfield and not just at the end of an outlet pipe from a tank.

DOH recommendations:

- DOH recognizes rules for remedial activities are necessary and recommends beginning rulemaking when resources can be shifted from other priorities. The rule making process should address all remediation products, be discussed with a broader group of industry experts such as the Technical Advisory Committee, and needs to consider the issues listed below.

Issues for consideration before and during rule making

- The causes of system failures are many and varied. Potential causes are due to improper system siting, design, installation, use, and care. Diagnosis of contributing causes is necessary to determine which, if any, remedial strategy is appropriate.
- If a system failure/problem is due to causes other than a clogged drainfield, the use of a biological remediation technology may not be successful.
- It is not known whether the IAPMO protocol is appropriate. Testing protocol for remedial technologies needs to apply to all similar products and be agreed to by national experts.
- In some site conditions the use of remedial technologies may increase treatment concerns.
- Rules may reduce regulatory flexibility for remedial technologies. Other manufacturers of remediation technologies may not want detailed rules.
- Local health jurisdictions make the final determinations on permitting systems. They need to be part of the decision to make rules.
- Chapter 246-272A WAC includes a national testing protocol for nitrogen removal technologies.

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